

REMARKS

Claims 1-5, 7-13, and 15-19 remain in the case.

Initially, it should be noted that claims 1, 4, 10, and 19 have been amended to provide antecedents for terms used later in the respective claims. The Examiner, it is respectfully submitted, was mistakenly viewing the claimed edge sides of the apparatus as the side edges of the front side of the apparatus. To avoid any recurrence, independent claims 1 and 19 make clearer that an edge side is not the same as the front side. Thus, an edge side by being a distinct side of the apparatus is not to be mistaken for a side edge of the front side of an apparatus.

Claims 1-3, 7-13, 15, and 18 stand rejected under 35 U.S.C. 103(a) based on van Ketwich, of record, in view of the U.S. Patent to Kamada et al. ("Kamada") No. 6,192,258. This rejection is respectfully traversed. In van Ketwich, as understood, Figs. 11a, 11b depict an input device 1810 having a front side, a backside, and four edge sides. These figures also show three touch screens 1811a-1811c. Each of these touch screens is arranged on the front side of the input device 1810, not on any of the four edge sides. Nothing in van Ketwich suggests the positioning of touch screens on an edge side of a device. Thus, van Ketwich, contrary to the Examiner's statement, does not disclose an invention similar to that claimed in claim 1 (or claim 19).

The Examiner also states that it would have been obvious to one of ordinary skill in the art to modify the arrangement in Fig. 8a of van Ketwich and end up with an apparatus having a display area taking up a majority of the front side and a touch surface arranged on an edge side. However, neither Fig. 8a nor the text referring to the embodiment depicted in Fig. 8a indicates that a touch surface according to claim 1 of

the present invention is positioned on an edge side. This figure indicates that the touch surface should be arranged on the front side.

The Examiner states further that it is common and conventional to provide a handheld or pocket-sized electronic apparatus with its front face being a display and touch surface. This may be true when the display also is a touch surface, but there is no teaching or suggestion to a person of ordinary skill in the art designing such an apparatus that would make that person consider positioning the touch surface on the edge side of the apparatus, nor consider enlargement of the display area in such apparatus to where it encompasses a majority of the front side. The latter is made possible by placement of the touch surface on an edge side and thus is not a “design choice” or an “obvious modification,” as the Examiner contends.

The proposed combination of van Ketwich with Kamada does not supply the elements missing from the rejected claims. Neither document discloses or suggests the positioning of a touch surface on an edge side, and thus does not make obvious claim 1 or any of the other rejected claims 2, 3, 7-13, 15, and 18. Additionally, claims 2, 3, 7-11, and 18 further distinguish over these two documents not only for their dependency from claim 1 but also for any additional novel or unobvious recitation of structure.

With reference specifically to claim 12 and its dependent claims 13 and 15 (as well as claim 11), the Examiner contends that the resilient outer foil of the touch surface in van Ketwich is clamped, resulting in its being tensioned. The portions of van Ketwich referenced in the Office Action have been reviewed, but no disclosure has been found that teaches or even suggests a touch surface that is formed by an outer side of a resilient outer foil having two edges located parallel to the linear geometric axis and at

which the resilient outer foil is clamped so that, as a direct result of its striving to assume a flat form, it is tensioned to a convexly single-curved, resilient surface. Nor is there a teaching of this structure in combination with the curved inner foil of claim 15.

Claims 4, 5, and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over van Ketwich and Kamada, further in view of the U.S. Patent to Armstrong et al. ("Armstrong") No. 5,729,219. This rejection is respectfully traversed. The combination of van Ketwich and Kamada is not similar to what is claimed in these three claims, and Armstrong does not correct the deficiencies in these two patents as discussed hereinabove. Armstrong does not teach or suggest the placement of a touch surface on an edge side, and any reliance on the cited case to In re Japiske is accordingly misplaced. There is no "design choice" involved in the present invention. Placement of the touch surface on the edge sides of a handheld or pocket-sized electronic apparatus, where the display area takes up a majority of the front side of the apparatus, as claimed, is a novel concept, even when a minor part of the curved touch surface is arranged on the front side. Neither van Ketwich, Kamada, nor Armstrong suggests placement of this curved touch screen on an edge side so as to achieve the advantages discussed in the subject application and avoid the problems of the prior art. Absent any such basic teaching, reliance on In re Japiske improperly overrides the Patent Statute by making any mechanical improvement a matter of "design choice" without having to address rigorously the novelty and unobviousness of the claims.

Dependent claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) based on van Ketwich and Kamada further in view of the U.S. Patent to Zenk No. 4,066,853. This rejection is also traversed. Claims 16 and 17 depend from claim 15 either directly or

ultimately. In claim 15, which depends on claim 12, there is provided a curved inner foil in addition to the outer foil of claim 12. The Examiner states that the inner foil corresponds to the substrate 1001 in Fig. 1b of van Ketwich, but van Ketwich does not appear to state that this substrate should be a foil. The fact that it may be glass indicates that it should not be a foil. Thus, it is unclear from the rejection if Zenk is to replace von Ketwich and thereby eliminate reliance on the teachings of the primary reference of van Ketwich.

Reconsideration and allowance of claims 1-5, 7-13, and 15-19 are earnestly solicited.

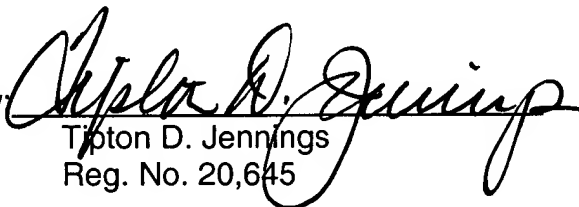
Please grant any additional extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I Street, NW
Washington, DC 20005
571.203.2750

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By


Tipton D. Jennings
Reg. No. 20,645